

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

RAMON ARMAS BORRERO, JR.
Plaintiff

vs.

L MCDONALD, H.A. PATE,
C. MCKENZIE, and DONNA KENT
Defendants

CASE NO. 5:04cv165-RH/WCS

LEGAL MAIL
PROVIDED TO
FLORIDA STATE PRISON
DATE 10-25-06 FOR MAILING.
INMATES INITIALS RB

MOTION FOR DISCOVERY AND PLAINTIFF'S
REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 Fed. R. Civ. P., the Plaintiff RAMON ARMAS BORRERO, JR., requests that the defendants produce the documents listed herein within 30 days, either by providing the plaintiff with copies or by making them available to the plaintiff and to copy the evidentiary material. The plaintiff states this material and shows good cause:

REQUESTED MATERIAL

1. All grievances, complaints, or other documents received by the defendants or their agents at Washington C.I. concerning mistreatment of inmates by the defendants McDonald, McKenzie, Pate, and Kent. All memorandums, investigative files, and /or other documents created in response to such documents, since November August 1, 2002.
2. The name of any captain or Lieutenant and nurse who came into the plaintiff's S.O.S. cell during the dates of Friday 12/6/02 upto 12/13/02.
3. The sick call request form for which nurse DONNA Kent supposedly interviewed the plaintiff.
4. Name's D.O.C. number's and location of all inmate's that were assigned to Gidorm, Quad Four, on November 28, 2002, during the time the plaintiff was beaten.
5. All logs, lists, or other documentations reflecting grievances filed by inmates at Washington C.I. for abuse, excessive force, etc., from August 1, 2002 to the time of response to this motion.
6. All documentation of statements made by the Defendants to the ~~I~~ or ~~O~~ or any other interviewed officer, to the Inspector Generals office AS A RESULT of their being questioned in regards to the plaintiff's complaint of being beaten on 11/28/02. Transcripts of all questions asked and the exact responses to these questions.
7. Any prior complaints both in the form of grievances and lawsuits made against the plaintiff defendant's for abuse of inmates, and excessive force.
8. The disciplinary records of all the defendants, including any write ups, verbal reprimands, written reprimands, demotions, suspensions, and terminations.
9. All policies, directives, or instructions to staff concerning the use of force by Washington C.I. staff.
10. All sick-call policy and procedures.
11. The Plaintiff's complete medical records from November 1, 2002, to December 17, 2002.

U.S. DISTRICT CT.
NORTHERN DIST. FLA.
PENSACOLA, FLA.

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FILED

GOOD CAUSE

The aforesigned materials contain evidence needed by the plaintiff in order to support the claims in his motion. The facts of this case are in dispute and these materials are necessary to provide a full and fair hearing on the merits. The materials sought are relevant to developing material issues such as the character, capabilities, and general willingness of the defendants to abuse inmate's and violate D.O.C. policy. To develop the policy and procedure's, and to better explain how they were violated.

- 1) Items 1, 5, 7, and 8, are necessary to show that the plaintiff defendants capabilities, and willingness to abuse inmate's, as well as the plaintiff, and to show their character.
- 2) Items 9 and 10, are necessary to show policy and procedure and to show in what ways they were violated.
- 3) Items 3 and 11, are necessary to show that the plaintiff had no pending sick call slip and therefore there was no pending justification for the plaintiff being removed from his cell. Also supporting the fact that the defendants sole purpose of putting the plaintiff out of his cell was to beat him.
- 4) Item 2 is necessary to find out the name of the lieutenant or captain and who was accompanied by a nurse the nurse who accompanied him to the plaintiff's S.O.S. cell. This Captain ~~or~~ Lieutenant had the plaintiff's grievance in his hand, he told the nurse to examine him the plaintiff. He questioned the plaintiff regarding this grievance which subsequently was ~~thrown away~~ came up missing.
- 5) Item number 4 is necessary to show that while Nurse Kent stood at the plaintiff's cell, and that she began yelling at the plaintiff for masturbating. These inmate's are witnesses whose testimony will support the plaintiff as to this element of the case.
- 6) Item #6, is necessary to determine the statements and answers made by the defendants to the Inspector General concerning the claims of this case, so that the plaintiff may be aware of this evidence.

CONCLUSION

WHEREFORE, the plaintiff has shown good cause for the materials he has requested and seeks for this court to grant this motion and order the defendants to produce the requested materials so that there may be a full and fair hearing.

Respectfully submitted,

RAM

R. B.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that the foregoing copy of the foregoing has been mailed pos delivered into the hands of an institution officials to be mailed postage pre-paid to, Asst. Attorney General Joy A. Stubbs, PL-01, The Capitol, TALLAHASSEE, FL 32399-1050.

On this 25 day of October, 2006.

R. B.

Ramal Borreto X27467

F.S.P. B-1128

7819 N.W. 228TH ST

Rairod, FL 32026